

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *eg* D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENNESSEE

WILLIAM H. BOLES,

Plaintiff,

vs.

LEVY RESTAURANTS, INC.,

Defendants.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X  
X

No. 05-2808-D/V

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS  
AND  
ORDER DIRECTING PLAINTIFF TO PAY THE \$250 CIVIL FILING FEE

Plaintiff William H. Boles filed a pro se complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., on October 27, 2005, along with a motion seeking leave to proceed in forma pauperis.

Federal law provides that the "clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of" \$250. 28 U.S.C. § 1914(a).<sup>1</sup> To ensure access to the courts, however, 28 U.S.C. § 1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an in forma pauperis affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff's ability to pay the filing fee and prosecute the lawsuit. A


<sup>1</sup> Effective March 7, 2005, the civil filing fee was increased to \$250.

3

plaintiff seeking in forma pauperis standing must respond fully to the questions on the Court's in forma pauperis form and execute the affidavit in compliance with the certification requirements contained in 28 U.S.C. § 1746. See, e.g., Reynolds v. Federal Bur. of Prisons, 30 Fed. Appx. 574 (6th Cir. Mar. 11, 2002); Broque v. Fort Knox Fed. Credit Union, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

The plaintiff's motion to proceed in forma pauperis does not establish that he is indigent and unable to pay the filing fee or to give security therefor. Instead, the plaintiff is gainfully employed, his monthly income is more than sufficient to meet her monthly obligations, and he owns her own home. The in forma pauperis affidavit also does not reveal any extraordinary expenses. Accordingly, the motion to proceed in forma pauperis is DENIED. The plaintiff is ORDERED, within forty-five (45) days of the date of entry of this order, to pay the \$250 civil filing fee. Failure to timely comply with this order will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 17<sup>th</sup> day of December, 2005.

  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02808 was distributed by fax, mail, or direct printing on December 8, 2005 to the parties listed.

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William H. Boles  
1356 Mandelay Ct.  
Lilburn, GA 30047

Honorable Bernice Donald  
US DISTRICT COURT